

REMARKS

These remarks are in reply to the Final Office Action mailed April 3, 2008. Claims 1, 3-10, 12-15, 23 and 24 were pending in the Application prior to the outstanding Final Office Action. In the Final Office Action, the Examiner rejected claims 1, 3-10, 12-15, 23 and 24. The present response amends claims 1 and 3, leaving for the Examiner's consideration claims 1, 3-10, 12-15, 23 and 24. Reconsideration of the rejections is requested.

Claim Rejections under 35 U.S.C. § 103

1. Claims 1, 3-7, 9, 10, 12-15, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Selitzer* in view of either *Fincke et al.* or *Gorynin et al.*

The Examiner writes in the Response to Arguments of the Office Action that "language calling for specific gases in the torch merely define an intended use" and that "*Selitzer* teaches the claimed subject matter...but does not set forth the surface modification tool as comprising a flame torch using combustion. Both patents to *Gorynin et al.* and *Fincke et al.* are cited for disclosing flame torches, which cause reactive interaction with substrates, used to modify the surfaces of the substrates."

Claims 1 and 3 have been amended to positively recite "a second source of a reactive precursor that transforms in the presence of the flame to a reactive species that chemically combines with the contaminant; and an inner tube nested within the outer tube and communicating the reactive precursor from the second source to the flame." *Selitzer* does not teach or suggest "a second source of a reactive precursor that transforms in the presence of the flame to a reactive species that chemically combines with the contaminant; and an inner tube nested within the outer tube and communicating the reactive precursor from the second source to the flame."

Further, using the structure of *Selitzer* with the chemistry of *Gorynin* does not teach "a reactive precursor that transforms in the presence of the flame to a reactive species." *Gorynin* teaches reacting a reactive powder that adheres to a surface to become an adhesive layer when introduced to the flame. *Gorynin* does not teach a reactive precursor that transforms in the presence of the flame to a reactive species.

Further, using the structure of *Selitzer* with the chemistry of *Fincke* does not teach "a reactive precursor that transforms in the presence of the flame to a reactive species." *Fincke* teaches away from this by teaching the opposite: a reactive species that transforms in the presence of high temperatures to a gas or fine solid particles that are more stable (less reactive) than the reactive species. *Fincke* teaches use of this structure to transform, in an example given by *Fincke*, unstable natural gas to acetylene because natural gas cannot be transported safely.

Because *Selitzer* in view of *Gorynin* or *Fincke* fails to teach or suggest all of the features of claims 1 and 3, *Selitzer* in view of *Gorynin* or *Fincke* cannot render claims 1 and 3 obvious under 35 USC 103(a).

Dependent claims have at least the features of the independent claims from which they depend, therefore *Selitzer* in view of *Gorynin* or *Fincke* cannot render claims 4-7, 9, 10, 12-15, 23 and 24 obvious under 35 USC 103(a).

2. Claim 8 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *Selitzer* in view of either *Finche* et al. or *Gorynin* et al. and further in view of *Wagner*. Applicants respectfully traverse the rejection of claim 8. For the reasons given above, *Selitzer* in view of *Gorynin* or *Fincke* cannot render claim 8 obvious under 35 USC 103(a). *Wagner* fails to remedy this deficiency; therefore *Selitzer* in view of *Gorynin* or *Fincke* in further view of *Wagner* cannot render claim 8 obvious under 35 USC 103(a).

Claim Rejections under 35 U.S.C. § 102

Claims 1, 3-7, 9, 10, 12-15, 23 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by *Selitzer et al.* Applicant respectfully traverses the rejection.

The Examiner writes that “Figures 2a and 6a in *Selitzer et al.* teach an inductive plasma torch, with nested components, capable of directing a plasma gas which is flammable, if desired, such limitation comprising intended use of the apparatus and not patentably limiting.”

As mentioned above, claims 1 and 3 have been amended to positively recite “a second source of a reactive precursor that transforms in the presence of the flame to a reactive species that chemically combines with the contaminant; and an inner tube nested within the outer tube and communicating the reactive precursor from the second source to the flame.” *Selitzer* does not teach or suggest “a second source of a reactive precursor that transforms in the presence of the flame to a reactive species that chemically combines with the contaminant; and an inner tube nested within the outer tube and communicating the reactive precursor from the second source to the flame.”

Because *Selitzer* fails to disclose all of the features of claims 1 and 3, *Selitzer* cannot anticipate claims 1 and 3 under 35 USC 102(b). Dependent claims have at least the features of the independent claims from which they depend, therefore *Selitzer* cannot anticipate claims 4-7, 9, 10, 12-15, 23 and 24 under 35 USC 102(b).

Conclusion

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

Enclosed is a PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. § 1.136 for extending the time to respond up to and including today, August 4, 2008.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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